

## IN THE MICHIGAN COURT OF APPEALS

### ORDER

Re: **Frank Nali v Ira Harris**  
Docket No. **258805**  
L.C. No. **03-328780-CZ**

Michael J. Talbot, Judge, acting under MCR 7.211(E)(2), orders:

Plaintiff-Appellant, Frank Nali, having provided documentation reflecting that he has filed a motion in the trial court to waive the \$25.00 fee required to be paid to the trial court upon the filing of an appeal to this Court, MCL 600.2529(1)(g), and the trial court having advised this Court that it has no record of such a motion having been filed, the Court, on its own motion, orders that this matter is REMANDED to the trial court for a determination of whether to waive the \$25.00 fee required by MCL 600.2529(1)(g), due to indigence in accordance with MCL 600.2529(5).

Within 14 days of the Clerk's certification of this order, defendant-appellant shall file with the trial court a request to waive the \$25.00 fee, along with an affidavit disclosing the reason for his inability to pay the fee and a statement of his prisoner account activity. Simultaneously, defendant-appellant shall file copies of these documents with this Court.

The trial court shall hear and decide this matter within 28 days of the Clerk's certification of this order. The trial court shall file a copy of its order on remand with this Court within 7 days of entry.

This Court retains jurisdiction. A copy of this order shall be transmitted to Third Judicial Circuit Court, Chief Judge Mary Beth Kelly.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JUL 27 2005

Date

*Sandra Schultz Mengel*  
Chief Clerk